

**EXHIBIT 16**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

\*\*\*\*\*  
SHANTA LYNETTE BROWN, et al.,

Plaintiffs,

v.

Case No. 6:23cv00054

THE CITY OF LYNCHBURG, et al.,

Defendants.

\*\*\*\*\*  
DEPOSITION OF ROBBIN MILLER

October 29, 2024

3:00 p.m. - 3:18 p.m.

Lynchburg, Virginia

REPORTED BY: Kimberly A. Henderson, RPR

1                   Deposition of ROBBIN MILLER, taken and  
2 transcribed on behalf of the Defendants, pursuant  
3 to notice and/or agreement to take depositions; by  
4 and before Kimberly A. Henderson, a Registered  
5 Professional Reporter and Notary Public in and for  
6 the Commonwealth of Virginia at Large; commencing  
7 at 3:00 p.m., October 29, 2024, at the offices of  
8 the Lynchburg City Attorney, 900 Church Street,  
9 Lynchburg, Virginia.

10 APPEARANCES OF COUNSEL:

11

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1 (3:00 p.m., October 29, 2024)

2

3

ROBBIN MILLER

4

was sworn and testified as follows:

5

E X A M I N A T I O N

6

BY MR. VALOIS

7

Q. Can you state your name, please?

8

A. Robbin Miller.

9

Q. And your current position, sir?

10

A. I'm a supervisor at the City of

11 Lynchburg Police Department, Sergeant.

12

Q. What's your present -- Sergeant?

13

A. Yes, sir.

14

Q. How long have you been there?

15

A. 17 years in January.

16

Q. Have you given a deposition before?

17

A. No, sir.

18

Q. Oh. Well, first thing is, I don't think we're going to be here too long. I'll try and push this along, get out of here, but if you need a break, let me know.

22

A. Sure.

23

Q. I'll be happy to take a break. The second thing is, please allow me to finish asking my question before you start answering.

1 A. All right.

2 Q. It's human nature, people tend to  
3 talk over each other in normal conversation, but it  
4 makes it a miserable job for the court reporter.

5 A. Got you.

6 Q. Okay. And then she'll get mad, and  
7 she'll try to kick you.

8 A. And I'm closest to her.

9 Q. You understand that the testimony  
10 here is under oath, subject to perjury, just like  
11 courtroom testimony?

12 A. Yeah.

13 Q. Have you -- is there any reason why  
14 you can't testify today? Are you under the  
15 influence of any medication or --

16 A. No.

17 Q. -- any reason you can't? Okay.

18 What have you done to prepare for  
19 this deposition?

20 A. I just reviewed a couple videos on  
21 body cameras and in-car cameras and just read the  
22 report pretty much is about it.

23 Q. Okay. And finally, you may hear some  
24 objections being raised to questions. Unlike in  
25 court, there will be no rulings on the objections.

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1 So unless your attorney instructs you not to  
2 answer, you can still answer, notwithstanding the  
3 objection.

4 Do you understand?

5 A. Yeah.

6 Q. All right. Can we start with your  
7 background, beginning, and can we -- let's start  
8 with education, and can you run me through from  
9 high school forward?

10                   A.     Sure.   High school education,  
11   graduated from high school with a diploma, worked  
12   for several years.

13 Q. Which high school did you graduate  
14 from?

15                   A.    Cleveland Hill High School in  
16 Cheektowaga, New York.

17 Q. In what a what a?

18 A. Cheektowaga.

19 Q. Cheektowaga?

20 A. Yeah.

21 Q. Do you mind spelling that?

22 A. C-h-e-e-k-t-o-w-a-g-a.

23 Q. Okay. And when did you graduate?

24 A. 1980.

25 Q. All right. And you worked, after

1 that you went to work?

2 A. Worked two years in the City of  
3 Buffalo just doing some odd jobs, and I worked for  
4 a medical company running ambulance, paramedic in  
5 the City of Buffalo for probably a year, year and a  
6 half. Then in 1983, I joined the Marine Corps, was  
7 in the Marine Corps for four years.

8 While working in the Marine Corps, I  
9 was also living at the county fire department,  
10 where the Marine Corps allowed me to live off base.  
11 I worked county fire for four years.

12 Q. What county was that?

13 A. Yuma.

14 Q. Arizona?

15 A. Yuma, Arizona. That's good. You  
16 knew Arizona. I like that.

17 Q. Yeah. So you were in the -- you were  
18 in the Marines?

19 A. Yes, sir.

20 Q. Active duty standard enlistment?

21 A. Active duty.

22 Q. And discharged honorably?

23 A. Yes.

24 Q. And you were there four-year  
25 enlistment?

1 A. Yes.

2 Q. Okay. And so those, the whole time  
3 at Yuma?

4 A. Yeah, except just for training  
5 exercises. Bounced to Hawaii once and California a  
6 number of times, Arizona a couple times.

7 Q. All right. And then after that  
8 where?

9 A. Then came to Liberty University for a  
10 semester, where I was going to pursue a degree at  
11 Liberty University, had family here. And one  
12 semester in I got hired by the New York State  
13 Police where I had an application in.

14 Q. All right. New York State, and then  
15 did you -- how long -- when did you begin work with  
16 the New York State Police?

17 A. January of -- I'm sorry, September of  
18 '87.

19 Q. How long did you work for them?

20 A. Pardon me?

21 Q. How long did you work for the New  
22 York State Police?

23 A. A little over 20.

24 Q. Retire?

25 A. Yes.

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1 Q. All right. And that would have been  
2 2007-ish?

3 A. 2008 I retired. I was actually still  
4 on the books there when I came here in January of  
5 '08. I think I finally rolled off the books up  
6 there probably like March of '08.

7 Q. All right. And then from there right  
8 to Lynchburg Police Department?

9 A. Yes.

10 Q. And that's your current position?

11 A. Yes.

12 Q. And any other side work along the way  
13 or part-time jobs?

14 A. I don't think so. Not when I was  
15 with the state police, nothing there, no sir.

16 Q. Do you supplement with off-duty work?  
17 Do you ever do off-duty work?

18 A. Oh, yeah. Not so much as a sergeant,  
19 I really don't typically do, but over the last 17  
20 years I've worked a lot of off-duty.

21 Q. Okay. And in Lynchburg, have you  
22 ever been disciplined?

23 A. Yes.

24 Q. Can you describe the discipline that  
25 you've had?

1                   A. We all have. It's a progressive  
2 discipline plan that we use when we're supervising,  
3 supervisors use. So I mean, they might look at  
4 video and say you were speeding or something. You  
5 need to watch your speeds going to a call, or I  
6 mean --

7                   Q. But have you been disciplined?

8                   A. Pardon me?

9                   Q. Have you?

10                  A. Yes.

11                  Q. Can you describe the discipline that  
12 you've received?

13                  A. Yeah. Like I've received one of  
14 those, at least, maybe two.

15                  Q. One speeding admonishment or  
16 whatever, what do they call that?

17                  A. They call them a DOR, but there's all  
18 different levels of that. You know, you can have a  
19 supervisor counseling, you can have a written  
20 reprimand, you can have a verbal reprimand.

21                  Q. What have you had? Can you describe  
22 what, the incidents that you've had?

23                  A. I mean, they're all small in nature,  
24 and I really can't describe going back 17 years,  
25 but there's been, there's been a number of them.

1 Q. Have you had any reprimands?

2 A. Yeah. Those are all forms of  
3 reprimands.

4 Q. Okay. And they all involve speeding?

5 A. No, no.

6 Q. What else? What else do they  
7 involve?

8 A. I'm trying to think. I didn't know  
9 you were going to be asking these questions. I  
10 could have brought my stuff with me. I got  
11 reprimanded once by a supervisor for having my  
12 police radio on in a police station. They didn't  
13 like hearing the noise.

14 Q. I don't care about administrative  
15 things.

16 A. Well, that's what these are, all  
17 administrative.

18 Q. Anything involving anything serious,  
19 like serious misconduct, like a use of force?

20 A. No. I mean, every investigation we  
21 have where there's a use of force, there's a use of  
22 force investigation. I've never been -- I've never  
23 been founded of an excessive force.

24 Q. Okay. And you've never had any  
25 findings that you've ever used excessive force?

1 A. No.

2 Q. Or any -- you've never been  
3 suspended?

4 A. No. In either job.

5 Q. Pardon me?

6 A. In any of my jobs.

7 Q. Okay. All right. Let's get rid of  
8 this crap. This is all worthless. Let's cut to  
9 the chase. All right. What we're talking about  
10 today, the reason you're here today is you're a  
11 defendant in this complaint. My clients are Shanta  
12 Brown and Aquasha Sandidge.

13 Really, you don't have much  
14 interaction with Shanta Brown?

15 A. No.

16 Q. You didn't take out any charges  
17 against Shanta Brown, so we're really talking about  
18 Aquasha Sandidge?

19 A. Yes.

20 Q. All right. So this happened on April  
21 28th of 2020; right?

22 A. Yes, sir.

23 Q. All right. I tell you what I'm going  
24 to ask you to do. Let's run through -- I'm going  
25 to be quiet. I'll let you start from the time that

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1 you arrive on scene --

2 A. Okay.

3 Q. -- and walk me through, with as much  
4 detail as you can from your own memory, or if it's  
5 been -- if you need to refresh, feel free to  
6 refresh from your documents, but walk me through  
7 the narrative of your perception of what happened?

8 A. I just knew that they were on a  
9 traffic stop. I was working in investigations at  
10 the time. I was in plainclothes in an unmarked  
11 vehicle. I don't remember exactly where I was, but  
12 I had to be fairly close nearby when I heard an  
13 officer help call go out, a lot of commotion in the  
14 background.

15 I responded over to the Kemper Lofts  
16 where this was transpiring at. When I got out of  
17 my car, I saw a number of officers there, including  
18 Officer Reed, Officer Grooms, Officer Zach Miller.  
19 Officer Reed was directing two females to be placed  
20 in custody for their obstruction.

21 At that point, I walked over where  
22 Officer Miller and Officer Grooms had already  
23 approached these two females. They had already  
24 been moved back, apparently, from the actual  
25 vehicles and the arrest scene, where they were

1 detaining Terron Pannell, and they were now on the  
2 front steps of one of the buildings over there at  
3 the Kemper Lofts.

4 Kemper Lofts is kind of split up into  
5 like two, three buildings, so it's kind of hard to  
6 say, but I'm sure you've seen what I'm talking  
7 about on the video. They were on the front steps,  
8 and I believe them to be the mother and sister of  
9 Terron Pannell.

10 And Shanta Brown, they were taking  
11 her into custody, and Officer Miller and Officer  
12 Grooms were struggling with her on the ground in  
13 front of the apartment building. And the other  
14 one, Aquasha Sandidge, started advancing on them,  
15 and I went to hold her back from advancing on them.  
16 And when I grabbed a hold of her, she turned  
17 around, she shoved me in my upper chest.

18 I then grabbed her by the left arm,  
19 I'm not sure how well I secured it, but obviously  
20 with her, with the force of her body weight and  
21 just the way that we were, I fell backwards, with  
22 her on top of me, into a flower bed adjacent to the  
23 front steps.

24 Officer Zach Miller observed that,  
25 that she was on top of me, so he immediately jumped

1 over. He left Officer Grooms with Shanta Brown.  
2 He jumped over to me, helped me getting her secure.  
3 Once I had her secure, he jumped back over to  
4 assist in completing getting Shanta Brown into  
5 custody. It was very short in duration.

6 Q. Yeah.

7 A. Or at least I think so. And then  
8 after that part was over, we had them removed to  
9 patrol vehicles for transport. And I secured a  
10 warrant based on her -- for assaulting an officer  
11 based on her shoving me when I was completing a  
12 lawful action.

13 Q. Do you remember that before you left  
14 for the magistrate that a supervisor responded to  
15 the scene?

16 A. Like I said, there was multiple  
17 people there. And as you know, ranks change around  
18 here quite frequently, so I'm sure they did.

19 Q. But do you remember speaking with --

20 A. I'm not sure. I saw Officer Smith  
21 there, who I believe was a sergeant at the time.

22 Q. I honestly don't know who it is. I  
23 didn't recognize him.

24 But do you recall having a  
25 conversation with a supervisor, a sergeant, at the

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1 scene before you went to the magistrate's office?

2 A. I don't.

3 Q. Do you recall having a conversation  
4 with Miller and Reed before you went to  
5 the -- after the melee, after everybody's secured  
6 and in a police car?

7 A. No, I don't.

8 Q. Would it surprise you to say that you  
9 can be heard on body cam video telling Reed or  
10 Miller that you were not assaulted at the scene?

11 A. I don't recall that.

12 Q. Okay.

13 A. It's clear in the video that I was;  
14 so.

15 Q. You see that, you can see that in the  
16 video?

17 A. Yes.

18 Q. Whose video did you look at?

19 A. It's the in-car camera of Officer  
20 Reed.

21 Q. Reed's in-car camera?

22 A. And once again, it's not like she  
23 punched me in the face or anything like that, but  
24 she clearly pushes me in the chest.

25 Q. Yeah.

1                   A. And it's an unwanted touch, so hence  
2 the assault.

3                   Q. Well, we'll get to that in a second,  
4 the push in a second.

5                   When she -- when you came up on her,  
6 were you coming up face to face or were you coming  
7 from behind her?

8                   A. Yeah. Like if this is the front  
9 steps right here, and then these are all parking  
10 spaces right here, I just came up between the  
11 parked cars and came up to the front steps. They  
12 were on the front steps here.

13                  Q. But was she facing you?

14                  A. I don't recall specifically for her.  
15 I was more focused on them as they were -- they  
16 were at that point tussling.

17                  Q. But you were in plainclothes at that  
18 time?

19                  A. I'm sorry, I was?

20                  Q. You were in plainclothes?

21                  A. Yes.

22                  Q. Did you identify yourself as a law  
23 enforcement officer?

24                  A. I had my badge of authority on, yes.

25                  Q. Well, did you say police or anything?

1 A. I doubt it.

2 Q. Where was your badge of authority?

3 A. On my belt.

4 Q. Did you lift it to show it to her or  
5 anything?

6 A. No. Obviously not, we were in the  
7 middle of a situation. There wasn't time for that.

8 Q. This was dark; right?

9 A. Yes.

10 Q. There's a lot going on?

11 A. Dark, but a lit parking lot.

12 Q. There's a lot going on?

13 A. Yes.

14 Q. And when you went to grab her, did  
15 you grab her from behind?

16 A. I believe so.

17 Q. And that, and then she flipped around  
18 and pushed you?

19 A. Yes.

20 Q. When you grabbed her, at any time,  
21 did you tell her that you were a law enforcement  
22 officer?

23 A. I don't recall.

24 Q. And that push, it came immediately  
25 after you grabbed her?

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1 A. Yes.

2 Q. We're talking a split second; right?

3 A. Yes, within seconds.

4 Q. That's the sole basis for the assault  
5 on a law enforcement charge?

6 A. That's correct.

7 Q. And then you didn't give testimony  
8 against Shanta Brown at all?

9 A. No. At the magistrate.

10 Q. Yes?

11 A. No.

12 Q. And --

13 A. Well, let me rephrase that. I don't  
14 recall giving testimony against her. I mean,  
15 obviously, a lot of times when we're doing, when  
16 we're seeking a warrant, we'll explain what  
17 happened under oath. I might have mentioned her  
18 name along with Pannell's, or what the situation  
19 was, but I don't recall that specifically.

20 Q. Well, you didn't have a charge  
21 against Shanta?

22 A. No.

23 Q. And did you take any other charges  
24 out against Aquasha?

25 A. No. That's it, I believe.

1 Q. So the other charge she had, the  
2 obstruction charge, that was not from you?

3 A. Let me look real quick. Officer Zach  
4 Miller obtained that one.

5 Q. You heard anybody make any statements  
6 that are relevant to this case?

7 A. If I did, I sure don't remember them.  
8 It was four-and-a-half years ago.

9 Q. Is everything that you do remember,  
10 did you record it in your IBR?

11 A. Did what? Say that again.

12 Q. Is everything that you perceive to be  
13 relevant at the time recorded in your incident  
14 based report?

15 A. Yes.

16 Q. Okay. And conversely, you have been  
17 trained to put everything that is important into  
18 the IBR?

19 A. No, I wouldn't say that we put  
20 everything. If it's important, obviously I want it  
21 to be in the report.

22 Q. Right. Yeah, we're not talking about  
23 sleeve colors?

24 A. But we minimize the reports,  
25 obviously.

1 Q. Right. We don't put the sleeve  
2 colors in, but anything that's germane to the  
3 charge --

4 A. Sure.

5 Q. -- would be in the report; right?

6 A. Yes, sir.

7 Q. And you're not a newbie?

8 A. No.

9 Q. You know how to write a report;  
10 right?

11 A. Yes, sir.

12 MR. VALOIS: I don't have any further  
13 questions.

14 MR. FITZGERALD: I don't either.

15 (Deposition concluded at 3:18 p.m.)

16 (Reading and signature waived.)

17 \* \* \* \* \*

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1 COMMONWEALTH OF VIRGINIA AT LARGE, to wit:  
2 I, KIMBERLY A. HENDERSON, a  
3 Registered Professional Reporter and Electronic  
4 Notary Public in and for the Commonwealth of  
5 Virginia at Large, Notary Registration Number  
6 359658, whose commission expires November 30, 2025,  
7 do certify that the aforementioned appeared before  
8 me, was sworn by me, and was thereupon examined by  
9 counsel; and that the foregoing is a true, correct,  
10 and full transcript of the testimony adduced to the  
11 best of my ability.

12 I further certify that I am neither  
13 related to nor associated with any counsel or party  
14 to this proceeding, nor otherwise interested in the  
15 event thereof.

Wimberly C. Hester

Kimberly A. Henderson, Notary Public  
Commonwealth of Virginia at Large

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